

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FERNANDO HARO, III,

Plaintiff,

V.

THOMAS KELLER RESTAURANT

GROUP, et al.,

Defendant(s).

Case No.: 2:20-cv-02113-APG-DJA

ORDER

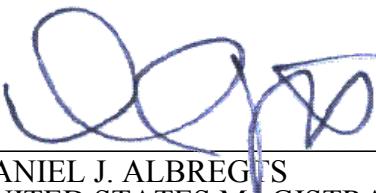
On December 16, 2020, the Court granted Plaintiff's request to proceed *in forma pauperis* and screened his complaint. (ECF No. 4). Plaintiff was permitted to survive screening with his original complaint and provided with assistance for service of the complaint. To date, service has not been effectuated. As a result, no defendant has appeared.

On February 22, 2021, Plaintiff filed an amended complaint with the Court. He did not seek leave to file the amended complaint. Federal Rule of Civil Procedure 15 provides that a party may amend its pleading once as a matter of course within: (a) 21 days after serving it, or (b) . . . 21 days after service of a motion under Rule 12(b) . . . ” Fed.R.Civ.P. 15(a)(1). In all other cases, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” *Id.* at (a)(2). Here, the Court finds that Plaintiff should be permitted to proceed on the amended complaint. No defendant has been served or appeared. Therefore, there is no prejudice to permitting the amendment.

Accordingly, IT IS ORDERED that:

1. The Clerk of the Court shall issue Summons to Defendants and deliver the same to the
2 U.S. Marshal for service. The Clerk of the Court shall also deliver a copy of the
3 amended complaint (ECF No. 9) to the U.S. Marshal for service.
4. Plaintiff shall have thirty days in which to furnish the U.S. Marshal with the required
5 Form USM-285.1 Within twenty days after receiving from the U.S. Marshal a copy of
6 the Form USM-285, showing whether service has been accomplished, Plaintiff must
7 file a notice with the court identifying whether defendant was served. If Plaintiff
8 wishes to have service again attempted on an unserved defendant, a motion must be
9 filed with the Court identifying the unserved defendant and specifying a more detailed
10 name and/or address for said defendant, or whether some other manner of service
11 should be attempted.
12. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be
13 accomplished within 90 days from the date this order is entered.
14. From this point forward, Plaintiff shall serve upon Defendants, or, if appearance has
15 been entered by counsel, upon the attorney(s), a copy of every pleading, motion, or
16 other document submitted for consideration by the court. Plaintiff shall include with
17 the original papers submitted for filing a certificate stating the date that a true and
18 correct copy of the document was mailed to Defendants or counsel for Defendants. The
19 Court may disregard any paper received by a District Judge or Magistrate Judge that
20 has not been filed with the Clerk, and any paper received by a District Judge, Magistrate
21 Judge, or the Clerk that fails to include a certificate of service.

22
23 Dated: February 26, 2021
24



25 DANIEL J. ALBREGTS
26 UNITED STATES MAGISTRATE JUDGE
27

28 1 The USM-285 form is available at www.usmarshals.gov/process/usm285.pdf.